

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 81

This is in response to a disclosure made by Employee X, who is under contract for his personal services with your department, and who, at the same time, has been retained by the Department of the Corporation Counsel as an expert witness in litigation in which the City is a defendant.

His disclosure indicates that he is an employee of the City on a personal services contract as a Transportation Planning and Programming Assistant. He further states in his disclosure that he is in business as a private consultant. As a consequence of this private enterprise, he has been employed as an expert witness for the City in traffic litigation cases during 1977.

After reviewing the various standards of conduct contained in the Revised Charter and Revised Ordinances of Honolulu 1969, we conclude that the only standard of conduct that may be applicable under the facts of this case is RO 1969 Section 7-15.2(c), which in pertinent part provides that no officer or employee of the City shall "represent private interests in any action or proceeding against the interests of the City in any litigation to which the City is a party." We note that the cited provision states that an employee violates that section if he represents an interest against the City in which the City is a litigant. In the instant case, he does not represent an interest against the City as he has been employed as an expert witness for the City.

Hence, we conclude that there is no violation of said Section 7-15.2(c).

Dated: Honolulu, Hawaii, July 11, 1978.

ETHICS COMMISSION
Rev. William Smith, Chairman